Nadler on Child Interstate Abortion Notification Act
Wednesday, 13 April 2005

WASHINGTON, D.C. – Yesterday, the House Judiciary Committee marked up and passed H.R. 748, the Child Interstate Abortion Act, on a 20-13 vote. The bill would make it illegal to transport a minor across a state line to obtain an abortion in order to circumvent the parent-notification laws of the minor’s home state.

Congressman Jerrold Nadler (D-NY) is the ranking Democrat on the House Judiciary Committee’s Constitution Subcommittee, and he strongly opposes this legislation. Nadler delivered the following statement at yesterday’s full committee markup:

“Today we consider legislation that is, at once, another flagrant violation of the Constitution, and an assault on the health and well being of young women and their health care providers.

Some states have chosen to enact parental notification or consent laws. Some, like mine, have considered this issue and decided it is not good for the welfare of young women and have declined to do so.

This bill would substitute the judgment of Congress for the judgment of people who live in states like mine. In fact, even where the young woman’s state of residence, and the state in which the doctor is located, have both decided not to enact such laws, this bill would impose a new federal parental notification law that is more draconian, and more unconstitutional, than the laws of most states.

Perhaps we should just disband our state legislatures and let the people in Washington decide these important family issues for us.

In some cases, the young woman may not be able to go to her parents, and can turn only to a grandparent, a sibling, or a member of the clergy. Indeed, sometimes, the parents may pose a threat to the life and health of the young woman. That’s what happened to Spring Adams, a 13 year old from Idaho. She was shot to death by her father after he found out that she planned to terminate a pregnancy – one he caused by his acts of incest.

This bill also uses a narrow definition of medical emergency that applies only where an ‘abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.’

That clearly falls far short of the Supreme Court’s requirement that any restriction on the right to choose must have an explicit exception to protect the life or health of the woman. There are many things far short of death that threaten a young woman. She deserves prompt and professional medical care, and the Constitution still protects her right to receive that care.

Congress should not be tempted to play doctor. That’s always bad medicine for women.

In an ideal world, loving, supportive, and understanding families would join together to face these challenges. That’s what happens in the majority of cases, law or no law.

But we do not live in a perfect world. Some parents are violent. Some parents are rapists. Some young people can turn only to their clergy, to a grandparent, a sibling, or some other trusted adult. We should not turn these people into criminals simply because they are trying to help a young woman in a dire situation.

This bill is the wrong way to deal with a very real problem. It does not provide exceptions to protect a young woman’s health. It does not provide exceptions where a parent has raped a young woman. It even allows the rapist to sue a clergy person or doctor who tries to help the daughter deal with the effects of that crime.

I will urge my colleagues to reject this legislation on both constitutional and policy grounds. If only for the sake of humanity, I would urge you to join in providing the needed flexibility for the most difficult real world cases involving the lives of real young women. We owe them at least that much.”

###